

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA

v.

JERRY L. KELLEY

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)

CR. NO. 1:06-cr-253-CSC
[18 U.S.C. 13; AL 13A-10-41]

INFORMATION

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LEURA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

The United States Attorney charges that:


COUNT I

On or about the 4th of September 2006, at Fort Rucker, Alabama, in the Middle District of Alabama, JERRY L. KELLEY did intentionally prevent or attempt to prevent a peace officer from affecting a lawful arrest.; to wit: refused the commands of, pulled away from and wrestled with Sergeant David C. Wilson, a uniformed Military Police officer, while Sergeant Wilson was lawfully detaining him, in violation of Title 18, Section 13, United States Code and Alabama Code 13A-10-41.

COUNT II

On or about the 4th of September 2006, at Fort Rucker, Alabama, in the Middle District of Alabama, JERRY L. KELLEY did intentionally appear in public in an intoxicated condition, to wit: Approached the Enterprise gate smelling of alcohol, spoke loudly and belligerently to and shoved Sergeant David C. Wilson, a uniformed Military Police officer, in violation of Title 18, Section 13, United States Code and Alabama Code 13A-11-10.

LEURA GARRETT CANARY
UNITED STATES ATTORNEY



KENT B. BRUNSON
ASSISTANT U.S. ATTORNEY



NATHAN T. GOLDEN
SPECIAL ASSISTANT U.S. ATTORNEY
VA BAR NO. 48323
Office of the Staff Judge Advocate
Soldier Service Center, Building 5700
Fort Rucker, Alabama 36362-5000
(334) 255-9807

STATE OF ALABAMA)
)
DALE COUNTY)

AFFIDAVIT

The undersigned, being first duly sworn, deposes and says:

I am a Military Police Officer at Fort Rucker, Alabama. At approximately 12:00 A.M. on the 5th of September 2006, I was dispatched to the Enterprise gate on Fort Rucker to investigate a possible DUI. I made contact with JERRY L. KELLEY. KELLEY refused to submit to apprehension, became belligerent and wrestled with me as I attempted to detain him for investigation. KELLEY smelled of alcohol and was yelling loudly and waving his arms. KELLEY's blood alcohol content was determined to be .08. These events took place on Fort Rucker Alabama.



WILSON, DAVID C., SGT, U.S. ARMY

Subscribed and sworn to (or affirmed) before me on this 20 day of OCT 2006.



NOTARY PUBLIC

My commission expires: 23 DEC 2006